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State of Connecticut

Laws Concerning Corrupt Prac- tices at Elections, Cau- cuses and Primaries



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CHAPTER 253 OF THE PUBLIC
ACTS OF 1909 AS AMENDED
BY CHAPTER 243 OF THE
PUBLIC ACTS OF 1911.

**Concerning Corrupt Practices
at Elections, Caucuses
and Primaries.**

*Be it enacted by the Senate and House of
Representatives in General Assem-
bly convened:*

SECTION 1. Provisions to apply to election of certain officers. Except as otherwise provided by law, the provisions of this act shall apply to the election of all officers for whom ballots shall be cast, to the election of all officers to be voted for by the general assembly, by the board of aldermen or the common council of any city, by the warden and burgesses of any borough, to all caucuses and primary elections preliminary to any such election, to school district elections, and, except

as hereinafter provided, to all candidates to be voted for at such elections, caucuses, and primary elections. The term "caucuses and primary elections" shall include: (a) all meetings and elections held to nominate a candidate for office or to elect delegates to a nominating convention; (b) nominating conventions of such delegates; and (c) caucuses of members of the general assembly, of the board of aldermen or common council of any city, and of the warden and burgesses of any borough.

SEC. 2. Definitions. The term "political committee" shall include every committee or combination of three or more persons to aid or promote the success or defeat of any political party or principle in any election or to aid or to take part in the nomination or election of any candidate for public office. The term "treasurer" shall include all persons appointed by any political committee to receive or disburse moneys to aid or promote the success or defeat of any such party, principle, or candidate. The term "political agent" shall include all persons appointed by any candidate, before any such election, caucus, or primary election, to assist him in his candidacy.

No person shall act as any such treasurer or political agent unless, after his appointment and before the caucus, primary, or election for which he is appointed, a writing designating him as such treasurer or political agent, shall be filed with the secretary of the state, except that, in case the duties of such treasurer or political agent shall relate to any town, city, ward, borough, or school district election exclusively, or to any caucus or primary election preliminary thereto, such writing shall be filed with the town clerk of the town within which such candidate resides instead of with said secretary of the state. Every such writing shall designate the particular period, election, caucus, or primary election during which such treasurer-ship or political agency shall continue. Nothing in this act shall prevent the treasurer or political agent of any organization or candidate from being the treasurer or political agent of any other organization or candidate, and any candidate for public office may designate himself as his own political agent.

SEC. 3. Payment of money to be made to political agents or treasurers. Any person nominated as a candidate

for public office, or a candidate for such nomination, may make a voluntary payment of money to any treasurer or political agent for any of the purposes permitted by this act; provided, however, that no person other than such a candidate shall, to promote the success or defeat of any political party or principle, or of any candidate for public office, or of any candidate for any nomination, within six months prior to any such election, make a contribution of money or property, or incur any liability, or promise any valuable thing to any person other than to a treasurer or political agent. Nothing contained in this act shall limit or affect the right of any person to expend money for proper legal expenses in maintaining or contesting the results of any election.

SEC. 4. Limitation of election expenses. No person other than a treasurer or political agent shall pay any of the expenses of any election, caucus, or primary election, except that a candidate may pay his own expenses for postage, telegrams, telephoning, stationery, printing, the advertising in or distribution of newspapers being excepted, expressage, and traveling; but the provisions of this section shall not

apply to non-partisan election and ante-election expenses paid out of the public moneys of the state or of any town, city, or other municipality. No contributions or payments or favors of any kind shall be made or offered by, or solicited from any private corporation to promote the success or defeat of any candidate for public office or of any political party or principle, or for any other political purpose.

Sworn statements to be filed by candidates within fifteen days. Every candidate for public office, except a candidate for the office of justice of the peace, grand juror, constable, bailiff, tree warden, or auditor, but including candidates for the office of senator in the congress of the United States, shall, within fifteen days after the election at which he was a candidate, file with the secretary of the state, if a candidate for senator or representative in congress, or any state, county, or probate office, or state senator, but with the town clerk of the town in which he resides if he was a candidate for representative in the general assembly, or for a town, city, ward, borough, or school district office, an itemized sworn statement, setting forth in detail all the moneys contributed, ex-

pended, or promised by him to aid and promote his nomination or election, or both, as the case may be, or for any other political purpose, and all existing unfulfilled promises or liabilities in that connection remaining uncanceled and in force at the time such statement is made, whether such expenditures, promises, or liabilities were made or incurred before, during, or after such election. If no money or other valuable thing was given, paid, expended, contributed, or promised, and no unfulfilled liabilities were incurred by a candidate for public office to aid or promote his nomination or election, or for any political purpose, he shall, within fifteen days after the election at which he was a candidate, file a statement to that effect. Any candidate who shall fail to file such a statement within the time required shall be fined twenty-five dollars for every day on which he is in default, unless he shall be excused by the court. Twenty days after any such election the secretary of the state or the town clerk, as the case may be, shall notify the proper prosecuting officer of any failure to file such a statement on the part of any candidate, or treasurer, or agent, and within ten days thereafter such prose-

cuting officer shall proceed to prosecute for such offense. Every unsuccessful candidate for nomination for any public office, candidates for which are hereinbefore required to file statements, shall, if he knew of such candidacy, file with the proper officer, within fifteen days after the election at which candidates for the office for nomination for which he was a candidate were voted for, such an itemized sworn statement as is hereinbefore required of candidates for public office, and if he fails so to do he shall be fined twenty-five dollars for each day on which he is in default, unless he shall be excused by the court. The secretary of the state or the town clerk, as the case may be, shall give the same notification of failure to file statements of candidates for nomination, and prosecuting officers shall proceed thereon, as provided in the case of candidates for office.

Limitation of payments and expenditures of candidates, outside of personal expenditures. The payments, expenditures, promises, and liabilities which any candidate for nomination to any public office, except senator of the United States, may make or incur, directly or indirectly in aid of such nom-

ination, exclusive of the personal expenditures specifically mentioned in this section, shall not exceed in the whole ten dollars for each one thousand (or major portion thereof) registered voters who voted at the last preceding election for the candidate of the same political party and for the office for which such candidate seeks a nomination. The payments, expenditures, promises, and liabilities which any candidate for election to any public office, except senator of the United States, may make or incur, directly or indirectly, in aid of such election, exclusive of the personal expenditures specifically mentioned in this section, shall not exceed in the whole fifteen dollars for each one thousand (or major portion thereof) registered voters qualified to vote for the office in question at the next preceding election, except that such candidate may expend twenty-five dollars for such purposes. The payments, expenditures, promises, and liabilities which any candidate for senator of the United States may make or incur, directly or indirectly, in aid of the nomination or election, or both, shall not exceed one-third of the salary of said office for one year.

SEC. 5. Payments that may lawfully be made by treasurer or political agent. It shall be lawful for any treasurer or political agent, in connection with any election, caucus, or primary election, to pay the following expenses: (a) of hiring public halls and music for political meetings, furnishing music, uniforms, banners, or fireworks for political clubs or public parades, and advertising such meetings or parades; (b) of printing and circulating political newspapers, pamphlets, and books; (c) of printing and distributing ballots and pasters; (d) of renting rooms to be used by political committees; (e) of compensating clerks and other persons employed in committee rooms and at the polls, and of furnishing reasonable entertainment to such persons necessarily employed in committee rooms and at the polls, and to members of political committees of the same political party to which such political agent or treasurer shall belong; provided, however, that the word "entertainment" shall not be construed to include alcoholic or intoxicating beverages; (f) for the travel of political agents, committees, and public speakers, and reasonable compensation to public speakers; (g) of

necessary postage, telegrams, telephoning, printing, and express charges; (h) of preparing, circulating, and filing petitions for nomination; (i) of conveyance of electors to the polls. No treasurer, candidate, or political agent shall incur any expense or liability or make any payment for any purpose not authorized by this act, and every liability incurred and payment made shall be at the rate which is proper and reasonable and fairly commensurate with the service rendered.

SEC. 6. Sworn statement to be filed by treasurer or political agent within fifteen days after election. Within fifteen days after any such election, every treasurer and every political agent shall file an itemized sworn statement with the officer with whom his designation was filed as aforesaid, which statement shall include the amount of money or property in each case received or promised, the name of the person from whom it was received or by whom it was promised, the amount of every expenditure made or liability incurred, and the name of the person to whom such expenditure or promise was made, and shall clearly state the purpose for which such money or property was so expended or prom-

ised, separating the expenditures for caucuses, primaries, and elections. If any money or property has been received from or has been paid, given, or promised to or by any person who was a candidate for any office, or a political treasurer, the title of the office which said person holds or for which he was a candidate shall be plainly given in the statement hereinbefore provided for. Any treasurer or political agent who shall fail to file such statement within the time required shall be fined twenty-five dollars for each day on which he is in default, unless he shall be excused by the court. Twenty days after any election the secretary of the state or the town clerk, as the case may be, shall notify the proper prosecuting officer of any failure on the part of any treasurer or political agent to file such statement, and within ten days thereafter such prosecuting officer shall proceed to prosecute for such offense.

SEC. 7. Examination and preservation of statements. The secretary of the state or the town clerk, as the case may be, shall endorse with his approval all reports required by this act to be filed with him which shall

be found to conform to the provisions of this act, and shall return reports which do not so conform, for correction, allowing a reasonable time for such correction, at the expiration of which time, if the reports are not so corrected, he shall give notice of such neglect to the proper prosecuting officer. All statements filed in accordance with the provisions of this act shall be preserved for fifteen months after the election to which they relate, and shall, during said period, be open to public inspection. Every town clerk not receiving a salary shall be entitled to receive from the town the sum of ten cents for each report endorsed by him as required by the provisions of this section.

SEC. 8. Attorney-general to prepare and secretary of state to furnish blank forms. The attorney-general shall prepare forms for all statements required to be returned under the provisions of this act, and the secretary of the state shall, at the expense of the state, print all such blank forms, and shall furnish to each town clerk a sufficient supply of each of such blank forms as are herein required to be filed with or returned to the town clerk. The secretary of the state and the town clerk of

each town shall, within two days after any election for which political agents or treasurers are required to make returns, mail to such agents and treasurers a proper blank form to be filled out and returned, and every town clerk not receiving a salary shall be entitled to receive from the town the sum of ten cents for each copy of such form so mailed by him.

SEC. 9. Corrupt Practices. The following persons shall be guilty of corrupt practices and shall be punished in accordance with the provisions of this act: (a) every person who shall, directly or indirectly, by himself or by another, give or offer or promise to any person any money, gift, advantage, preferment, entertainment, aid, emolument, or any valuable thing whatever for the purpose of inducing or procuring any person to vote or refrain from voting for or against any person or for or against any measure at any election, caucus, convention, primary election, or general assembly; (b) every person who shall, directly or indirectly, receive, accept, request, or solicit from any person, committee, association, organization, or corporation, any money, gift, advantage, pre-

ferment, aid, emolument, or any valuable thing whatever, for the purpose of inducing or procuring any person to vote or refrain from voting for or against any person or for or against any measure at any such election, caucus, primary election, or general assembly; (c) every person who, in consideration of any money, gift, advantage, preferment, aid, emolument, or any valuable thing whatever, paid, received, accepted, or promised to the advantage of himself or any other person, shall vote or refrain from voting for or against any person or for or against any measure at any such election, caucus, or primary election; (d) every person, other than the political committees known as the national, congressional, state, town, city, ward, and borough committees, who shall solicit from any candidate for the office of elector of president and vice-president of the United States, of senator of the United States, of representative in congress, or of any state, county, probate, town, city, ward, borough, or school district office, any money, gift, contribution, emolument, or other valuable thing for the purpose of using the same for the support, assistance, benefit, or expenses of any club, company, or

organization, or for the purpose of defraying the cost or expenses of any political campaign or election; (e) every person who shall, directly or indirectly, pay, give, contribute, or promise any money or other valuable thing to defray or towards defraying the cost or expenses of any campaign or election to any person, committee, company, club, organization, or association, other than to a treasurer or a political agent, but this provision shall not apply to any expenses for postage, telegrams, telephoning, stationery, printing, expressage, or traveling incurred by any candidate for office or for nomination thereto, so far as may be permitted under the provisions of this act; (f) every person who, in order to secure or promote his own nomination or election as a candidate for public office, or that of any other person, shall, directly or indirectly, promise to appoint, or promise to secure or assist in securing the appointment, nomination, or election of any other person to any public position, or to any position of honor, trust, or emolument; provided, however, that any person may publicly announce his own choice or purpose in relation to any appointment, nomination, or election in which

he may be called to take part, if he shall be nominated for or elected to any public office; (g) every person who shall, directly or indirectly, by himself or through another person, make a payment or promise of payment to a treasurer or political agent in any other name than his own, and every treasurer or political agent who shall knowingly receive a payment or promise of payment, or enter or cause the same to be entered in his accounts in any other name than that of the person by whom such payment or promise of payment is made; (h) every person who shall violate any of the provisions of sections three, four, or five of this act.

Powers of state referees and judges as to inquiries concerning corrupt practices. Any state referee, any judge of the superior court, or the judge of any court of common pleas, may, upon the written request of any state's attorney, or of the prosecuting attorney of any criminal court of common pleas, or of the district court of Waterbury, conduct an inquiry as to whether any crime has been committed concerning any matters mentioned in such request, within the jurisdiction of such state's

attorney or prosecuting attorney making such request, and any such referee or judge, and any such state's or prosecuting attorney, shall have power, by subpoena issued by him, to compel the attendance of any person as a witness; and such person, having been sworn as a witness, may be examined relative to any matter under investigation as aforesaid. Such referee, judge, or attorney shall also have power, by subpoena *duces tecum* issued by him, to compel the production for examination at such inquiry of any books or papers or any other thing which he may require in the conduct of such inquiry. Such referee or judge shall have power, by a *capias* issued by him, to cause any person who shall neglect or refuse to appear before him as a witness, having been duly summoned, to be brought before him: and any person in attendance as a witness who shall refuse to be sworn as a witness, or who, being sworn, shall refuse to answer any proper question propounded to him, and any person who, having been duly summoned, shall neglect or refuse to appear before such referee or judge, may be adjudged guilty of contempt, and may, by such referee or judge, be fined not more

than twenty-five dollars, or imprisoned not more than thirty days, or both. In any proceeding held under the provisions of this section, if any witness objects to testifying or to producing any book, paper, or other thing on the ground that such testimony, book, paper, or thing may tend to degrade or incriminate him or render him liable to a penalty or forfeiture, and such referee or judge directs or compels such witness to testify or to produce such book, paper, or thing, he shall not be prosecuted for any matter concerning which he has so testified, or evidenced by such book, paper, or thing so produced, except for perjury committed in so testifying.

Preservation of testimony and securing of witnesses. Such referee, judge, state's attorney, or prosecuting attorney, in the conduct of any such inquiry, may, in his discretion, employ a competent stenographer to take notes of the examination of any witness or witnesses, and cause such stenographic notes to be transcribed and furnished to any proper prosecuting officer having jurisdiction of the subject-matter of such inquiry; and such referee or judge may require the attendance and

assistance, at any such inquiry, and in procuring the attendance of witnesses, of any sheriff, deputy sheriff, state policeman, constable, or police officer, who shall be allowed such compensation as such referee or judge shall deem reasonable.

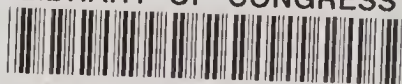
Expense of inquiry to be returned to clerk of the superior court. Such referee, judge, state's attorney, or prosecuting attorney shall return to the clerk of the superior court of the county wherein such inquiry is held, an account of all expenses incurred in the discharge of the duties herein imposed or required, including witness fees, and shall indorse the same, if correct, or such items thereof as are correct, and the sums so indorsed shall be paid by the state on an order therefor by such clerk.

SEC. 10. Penalties. Every person who shall violate any of the provisions of this act, for the violation of which no other penalty is provided, or who shall be guilty of any corrupt practice, shall be fined not more than one thousand dollars, or imprisoned not more than two years, or both; provided, however, that this section shall not apply to violations of any of the pro-

visions of section seven or section eight of this act. Any person who, whether officially or otherwise, donates or uses any money or other valuable thing belonging to a private corporation, for political purposes, or as director or stockholder votes for or sanctions such donation, shall be fined not more than one thousand dollars, or imprisoned not more than one year, or both. The venue for prosecutions under this act shall be determined either by the place where the wrongful act was committed or by the residence of the accused as the prosecuting officer may elect.

SEC. II. **Repeal.** Chapter 240 of the public acts of 1907 and all acts and parts of acts inconsistent herewith are hereby repealed.

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